



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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June 20, 2013

Albert Claudio, Jr.
1441 Center Hill Avenue
Star City, WV 26505

**RE: V13-20 / Morgantown Express Lube / 1350 Saratoga Avenue
Tax Map 8, Parcel 12**

Dear Mr. Claudio,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1347.04 as it relates to setbacks at 1350 Saratoga Avenue.

The decision is as follows:

Board of Zoning Appeals, June 19, 2013:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved variance relief to allow for the proposed zero-lot line addition to the existing principal structure as requested.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that they have been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary
shollar@cityofmorgantownwv.gov

ADDENDUM A – Approved Findings of Fact

V13-20 / Morgantown Express Lube / 1350 Saratoga Avenue

Finding of Fact No. 1 – There are exceptional or extraordinary circumstances or conditions applicable to this property or to the intended use, that generally do not apply to other properties or uses in the same vicinity, because:

An addition to the existing building that enables the expansion of the business and related commercial activity will require variance relief as the minimum front and rear setback requirements consume 55 feet of the 82.61-foot deep lot. The area to the rear that is owned by the Town of Star City appears to be undevelopable given its respective width between the petitioner's property and the West Virginia Division of Highways' right-of-way for the Monongahela Boulevard.

Finding of Fact No. 2 – The variance is necessary for the preservation and enjoyment of a substantial property right that is possessed by other properties in the same vicinity and zoning district, but which denied to this property, because:

Although not located with the City of Morgantown, the adjoining *Hotel Morgantown* and neighboring *Casey's Black Belt Academy* developments do not appear to comply with the City's minimum rear, minimum side, or maximum front setback requirements.

Finding of Fact No. 3 – The granting of this variance will not be harmful to the public welfare and will not harm property or improvements in the vicinity and zoning district in which the subject property is located, because:

Adjoining land uses include a hotel parking lot and a public right-of-way for a State arterial roadway.

Finding of Fact No. 4 – The granting of this variance will not alter the land-use characteristics of the vicinity and zoning district, or diminish the market value of adjacent properties, or increase traffic congestion on public streets, because:

The nature of the variance cannot contribute to nor mitigate existing traffic congestion on adjoining public streets. The existing "Automotive Repair Shop" use will not change nor will its current influence on the value or commercial activity on adjoining commercial uses located in the Town of Star City.